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Report of the Working Group on the Universal Periodic Review*

Antigua and Barbuda

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Introduction

1. The Working Group on the Universal Periodic Review, established in accordance with Human Rights Council resolution 5/1, held its twenty-fifth session from 2 to 13 May 2016. The review of Antigua and Barbuda was held at the 12th meeting, on 9 May 2016. The delegation of Antigua and Barbuda was headed by the Parliamentary Secretary within the Ministry of Legal Affairs and Public Safety, Maureen Payne. At its 19th meeting, held on 12 May 2016, the Working Group adopted the report on Antigua and Barbuda.

2. On 12 January 2016, the Human Rights Council selected the following group of rapporteurs (troika) to facilitate the review of Antigua and Barbuda: Plurinational State of Bolivia, Kyrgyzstan and Morocco.

3. In accordance with paragraph 15 of the annex to Human Rights Council resolution 5/1 and paragraph 5 of the annex to Council resolution 16/21, the following documents were issued for the review of Antigua and Barbuda:

(a) A national report submitted/written presentation made in accordance with paragraph 15 (a) (A/HRC/WG.6/25/ATG/1);

(b) A compilation prepared by the Office of the United Nations High Commissioner for Human Rights (OHCHR) in accordance with paragraph 15 (b) (A/HRC/WG.6/25/ATG/2);

(c) A summary prepared by OHCHR in accordance with paragraph 15 (c) (A/HRC/WG.6/25/ATG/3).

4. A list of questions prepared in advance by Liechtenstein, Mexico, Slovenia and the United Kingdom of Great Britain and Northern Ireland was transmitted to Antigua and Barbuda through the troika. These questions are available on the extranet of the universal periodic review.

I. Summary of the proceedings of the review process

A. Presentation by the State under review

5. The delegation recalled that Antigua and Barbuda was a democratic nation governed by law. Its supreme law was the Constitution, which enshrined the fundamental rights and freedoms established in the Universal Declaration of Human Rights. The delegation was ready to welcome the suggestions and recommendations of Member States and to take them on board to improve the human rights record of the islands.

6. The delegation considered that Antigua and Barbuda had achieved some progress in the area of human rights since its first universal periodic review. For instance, a law to protect children and women and a law on juvenile criminal justice had been adopted since 2011. A law to combat violence against women had been passed, and the Government had acceded to the Convention on the Rights of Persons with Disabilities which was in the process of being implemented at the national level. In addition, Parliament had passed a law on childcare and adoption to give the same rights to all children and to provide further safeguards in the adoption process.

7. Antigua and Barbuda was doing all in its power to uphold its international obligations and human rights standards. At the same time, the delegation reminded the Working Group that the country was a small island developing State, with only 85,000 inhabitants and limited resources.

B. Interactive dialogue and responses by the State under review

8. During the interactive dialogue, 44 delegations made statements. Recommendations made during the dialogue are to be found in section II of the present report.

9. The Bolivarian Republic of Venezuela emphasized the efforts made by Antigua and Barbuda in promoting and protecting human rights. In the field of education, the Bolivarian Republic of Venezuela noted positively the compulsory school attendance for children between 5 and 16 years of age and the free primary and secondary education. It appreciated the creation of the national committee for health promotion, as well as the progress achieved by the gender affairs department in regard to combating domestic violence and human trafficking through the establishment of awareness-raising and victim support programmes. The Bolivarian Republic of Venezuela made recommendations.

10. Algeria applauded the measures taken by Antigua and Barbuda in support of human rights, including the amendments made to the laws on human trafficking and on preventing the trafficking of migrants. It also welcomed the November 2015 adoption by both chambers of the Parliament of a number of laws on children and the family. Algeria made recommendations.

11. Argentina welcomed the delegation of Antigua and Barbuda and thanked it for its presentation of the national report. Argentina congratulated Antigua and Barbuda on its ratification of the Convention on the Rights of Persons with Disabilities. Argentina made recommendations.

12. Australia welcomed the engagement of Antigua and Barbuda in the universal periodic review process, particularly given its status as a small island developing State. It commended Antigua and Barbuda for its ratification in 2016 of the Convention on the Rights of Persons with Disabilities. It noted that no executions had taken place in Antigua and Barbuda since 1991, which, in practice, had established a moratorium on the death penalty. Australia remained concerned that violence and discrimination against lesbian, gay, bisexual, transgender and intersex persons had not been addressed, and that prison conditions in Antigua and Barbuda were worsening, owing to overcrowding, inadequate food and hygiene, and gang violence, among other factors. Australia urged Antigua and Barbuda to take action to improve prison conditions, including by addressing the backlog of criminal cases. Australia made recommendations.

13. The Bahamas noted with satisfaction the considerable strides made by Antigua and Barbuda in promoting and protecting human rights. Particularly commendable were the recent legislative reforms enacted by virtue of the Trafficking in Persons (Prevention) (Amendment) Act, the Migrant Smuggling (Prevention) (Amendment) Act, the Defamation Act and the Immigration and Passport (Amendment) Act. It also welcomed the passage by the upper and lower houses of Parliament of a new domestic violence bill that broadened the definitions of the domestic relationship and domestic violence, enhanced the protections for victims and children and protected against newer forms of harassment such as cyberstalking. The Bahamas made recommendations.

14. Barbados commended Antigua and Barbuda for acceding to the Convention on the Rights of Persons with Disabilities and urged the country to continue collaborating with all stakeholders in drafting a national policy for persons with disabilities. Barbados also commended Antigua and Barbuda for the efforts it had made to improve the protection of children, as well as the quality of life of its citizens through social programmes and policies to reduce poverty and to assist the elderly and through the provision of adequate health care.

15. Canada welcomed the delegation of Antigua and Barbuda and thanked it for its presentation of the national report. Canada commended Antigua and Barbuda for its

adoption of a national action plan for 2013-2018 to end gender-based violence and encouraged the Government to ensure its full implementation. Canada made recommendations.

16. Chile welcomed the delegation of Antigua and Barbuda and thanked it for its presentation of the national report. Chile also welcomed the institutional and legal progress made in the field of human rights, particularly through the ratification of the Convention on the Rights of Persons with Disabilities, the elimination of the crime of defamation and the recent adoption of a number of laws on juvenile justice and domestic violence. Chile made recommendations.

17. China noted with appreciation that Antigua and Barbuda had ratified the Convention on the Rights of Persons with Disabilities, had promoted inclusive education and had worked to meet the specific needs of persons with disabilities. Antigua and Barbuda had adopted policies and measures to bring about economic and social development and had promoted a poverty alleviation programme and the People's Benefit Programme. The country was working to improve living standards for its people. China made recommendations.

18. Colombia thanked Antigua and Barbuda for the comprehensive information provided on the human rights situation in the country, and highlighted the commitment to implementing the recommendations received during the first universal periodic review and in particular the efforts that had been made regarding children's rights and in countering poverty. Colombia made recommendations.

19. Costa Rica noted with satisfaction the cooperation of Antigua and Barbuda with the universal system of human rights, as well as its ratification of the Convention on the Rights of Persons with Disabilities. Costa Rica expressed concern at the serious delays in the legal system in dealing with criminal cases. While noting with satisfaction the broad participation of women in the civil service and in decision-making at the electoral level, Costa Rica noted that women were still underrepresented in leadership and decision-making in general. Costa Rica was also concerned at reports of high rates of domestic violence. Costa Rica made recommendations.

20. Cuba highlighted advances such as amendments to the Trafficking in Persons (Prevention) Act and the Migrant Smuggling (Prevention) Act. It underscored the adoption of the Defamation Act in 2015 and of laws approved by Parliament in November 2015 relating to children and families. Social programmes implemented by PDV Caribe had contributed to a better enjoyment of economic, social and cultural rights for the population of Antigua and Barbuda. Cuba called upon the international community to provide the resources and technical assistance required by Antigua and Barbuda. Cuba made recommendations.

21. Antigua and Barbuda thanked the delegations that had put forward recommendations regarding child rights and the combating of violence against children and women, issues that would be taken on board seriously by the Government.

22. Regarding overcrowding in prisons, the delegation recognized that this was a serious problem. Antigua and Barbuda had only one prison, which had been built in 1735 to accommodate 150 inmates. The Government was trying to address overcrowding in two ways. First, it had studied the situation of long-term prisoners, and subject to certain terms and conditions, some prisoners had received a pardon. Second, the Government was beginning to implement the Convicts' Licences Act, under which some prisoners — depending on the crime they had committed, their conduct, the sentence they had received and the length of time they had served — were released under a convict's licence (on parole, in other legal systems). Additionally, the Government was looking at providing alternative accommodation for inmates, so that remand prisoners could be separated from

persons serving their sentences. The delegation considered that, ideally, Antigua and Barbuda needed another penal institution, which could be focused on young people up to the age of 25.

23. Regarding the position of women in politics, the delegation noted that many Caribbean countries were trying to encourage and empower women to participate in politics, even though campaigning could be brutal which could act as a deterrent.

24. Denmark commended Antigua and Barbuda for its constructive engagement with the universal periodic review process and for having demonstrated progress in the protection and promotion of human rights since its last review. Denmark hoped that concrete measures were being taken by Antigua and Barbuda to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and asked the delegation to elaborate on steps taken. Denmark also emphasized that the Convention against Torture Initiative stood ready to explore avenues to assist Antigua and Barbuda in advancing on the issue if that were deemed to be helpful. Denmark made recommendations.

25. Ecuador welcomed efforts directed towards compliance with the recommendations received in the first review in 2011, particularly the amendments in 2015 to the Trafficking in Persons (Prevention) Act and the Migrant Smuggling (Prevention) Act. Ecuador welcomed the work carried out in coordination with civil society on programmes to guarantee the rights of persons with disabilities, and the care taken in providing for the special needs of that group, through the provision of technical assistance, equipment and medical treatment. Ecuador made recommendations.

26. Egypt noted the importance that the Government of Antigua and Barbuda attached to taking positive measures to improve the human rights situation in the country, particularly through the adoption of the national action plan for 2013-2018 to put an end to sexual violence. It noted the Trafficking in Persons (Prevention) (Amendment) Act 2015 and the Migrant Smuggling (Prevention) (Amendment) Act 2015. It also highlighted the effective measures taken to include all children in the education system and the efforts to take legal measures to protect children and adults. It welcomed national efforts to combat poverty through specific programmes. Egypt made recommendations.

27. France welcomed the delegation of Antigua and Barbuda and made recommendations.

28. Germany welcomed the delegation of Antigua and Barbuda and thanked it for its presentation of the national report. Germany commended the achievements of Antigua and Barbuda in the area of human rights, and particularly welcomed the passing of the Domestic Violence Bill and the Child Justice Bill in 2015. Germany remained concerned about the low age of criminal responsibility and regretted that Antigua and Barbuda continued to have a place in law for the death penalty. Germany stated that equality and non-discrimination were crucial to a democratic society and that the criminalization of lesbian, gay, bisexual, transgender and intersex persons constrained their chances of reporting cases of discrimination and violence. Germany made recommendations.

29. Ghana noted the amendments to the Trafficking in Persons (Prevention) Act, the Migrant Smuggling (Prevention) Act and the Immigration and Passport Act and hoped that these would strengthen the legal framework and address existing gaps in the promotion and protection of human rights in Antigua and Barbuda. It also noted that Antigua and Barbuda had yet to ratify a number of core international human rights treaties, despite having accepted to do so during the first review. It urged Antigua and Barbuda to seek appropriate technical assistance, including from OHCHR, to uphold its international human rights obligations. Ghana made recommendations.

30. Guatemala noted the steps that had been taken to promote, protect and respect the fundamental human rights of all persons. It was pleased that Antigua and Barbuda had ratified the Convention on the Rights of Persons with Disabilities and acknowledged the commitment to promoting gender equality and women's participation in the political, economic and social life of the country. Guatemala made recommendations.

31. Honduras was pleased at the ratification of the Convention on the Rights of Persons with Disabilities. It acknowledged the commitment of the Government to promote gender equality and the full participation of women in the political, economic and social life of the country. Honduras made recommendations.

32. Indonesia thanked Antigua and Barbuda for its presentation of the national report on the efforts made in the field of human rights since the first review. Indonesia commended the efforts made by Antigua and Barbuda to enact and amend several laws to better promote and protect human rights in the country and to fulfil its international human rights obligations. Indonesia also appreciated the establishment of several institutions to support the implementation of international human rights instruments, such as the Office of the Ombudsman and the Office of the Information Commissioner. Indonesia made recommendations.

33. Italy commended Antigua and Barbuda for the steps taken since the first review in enhancing the protection of human rights. It particularly welcomed the recent ratification of the Convention on the Rights of Persons with Disabilities, the commitment to alleviate and eradicate poverty, and the attention devoted to women's rights and gender equality, for example with the creation of the gender affairs department. Italy noted positively the legislative measures taken to enhance the protection of the rights of the child and congratulated Antigua and Barbuda on steps taken in combating human trafficking. Italy made recommendations.

34. Jamaica commended Antigua and Barbuda for its commitment to improving the quality of life of its citizens, through legislative reform and programmes directed at increasing socioeconomic advancement. It particularly commended the passage in 2015 of a suite of laws relating to children and families, and of the Defamation Act and the amendment to the Trafficking in Persons (Prevention) Act. Jamaica also commended Antigua and Barbuda for placing children with visual disabilities in the mainstream educational system from preschool age, for setting up the multi-stakeholder National Wellness Committee and for its commitment to several socioeconomic programmes implemented under the umbrella of PDV Caribe, part of the Petrocaribe Initiative. Jamaica made recommendations.

35. Malaysia noted that Antigua and Barbuda had taken numerous initiatives to improve the promotion and protection of human rights in the country. It welcomed the accession to the Convention on the Rights of Persons with Disabilities and noted the new laws focusing on the protection of children's rights. It also noted the efforts that Antigua and Barbuda had made towards eradicating poverty by providing financial assistance and implementing social programmes to improve access to basic needs for persons living in vulnerable situations. Malaysia made recommendations.

36. The delegation of Antigua and Barbuda responded to questions put forward during the interactive dialogue. It considered that the issue of the age of criminal responsibility was a serious one. It added that the legislature had debated the issue but had been unable to change the law because some members considered that it should remain as it was. However, it was expected that civil society organizations would exert pressure for the age of criminal responsibility to be raised.

37. With regard to the death penalty, after listening to many statements, the delegation acknowledged that this was a sensitive issue for the international community. It noted,

however, that, even though the penalty appeared in the Penal Code, nobody had been executed since the 1980s. The delegation expressed its understanding of why it would be important to formally take a step beyond the existing state of affairs.

38. The delegation recognized the importance of having an independent national human rights institution and added that the Government could take on board recommendations in this regard, since Antigua and Barbuda currently lacked an independent institution that could keep the Government on its toes.

39. Regarding lesbian, gay, bisexual, transgender and intersex persons, the delegation considered that changes would take time. However, it stated that such persons were not brutally treated in the Caribbean in general and in Antigua and Barbuda in particular. The Constitution recognized the same rights for all people but it would take time to change personal prejudices, and to sensitize people. The Government was working on this but it was not possible to force such change on the psyche of the people. The delegation recognized the existence of legal provisions considering sexual relations between adults of the same sex as a crime, but no one was prosecuted under them. The delegation considered that that law was only used against adults who had molested children. The delegation recalled that those provisions had been inherited but recognized that they had to change at some point if the Government was serious about human rights.

40. Regarding sexual abuse within marriage, mentioned during the interactive dialogue, Antigua and Barbuda stated that the law covered any form of violence in a couple, so it was up to the wife to press charges if she wished to and the law was there to assist her. The delegation added that the gender affairs department had been very helpful and supportive in dealing with migrant workers and women who had been trafficked, and that officers were provided with relevant training on an ongoing basis.

41. On torture, the delegation considered that this was not a recurrent matter in the islands but that the Government could consider the possibility of signing the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The delegation reiterated that the Government was aware of the problems pertaining to the prison and stated that it would accept the recommendations to request technical assistance to solve them.

42. Maldives took positive note of the national report and the implementation of the recommendations that Antigua and Barbuda had received during the first cycle. It appreciated the measures taken in the country's laws, relating to children and families, that had been passed by Parliament in November 2015. It also strongly supported the country's Education Act, which specified that children were required to attend school between the ages of 5 and 16. Maldives encouraged Antigua and Barbuda to reach out to its international partners, including OHCHR, for assistance with the promotion and protection of human rights in the country. Maldives made recommendations.

43. Mexico acknowledged the reform of the juvenile justice system and urged the Government to ensure its full implementation. Mexico welcomed the ratification of the Convention on the Rights of Persons with Disabilities and invited the country to harmonize its legislation in accordance with the Convention. Mexico noted the adoption of the law to prevent trafficking in persons as well as the enhanced measures to combat that crime. Mexico called upon Antigua and Barbuda to work to reduce the high rate of teenage pregnancies and HIV prevalence and to guarantee access to social and health services for all, including vulnerable persons and persons from the lesbian, gay, bisexual, transgender and intersex community. Mexico made recommendations.

44. Montenegro welcomed the recent ratification of the Convention on the Rights of Persons with Disabilities and noted that there were a number of international human rights treaties and their optional protocols to which Antigua and Barbuda was not a party.

Montenegro enquired whether the Government had initiated accession procedures or planned to ratify any of them. Montenegro encouraged the Government to seek technical assistance from OHCHR to improve its efforts to meet its international human rights obligations. Montenegro welcomed the Government's efforts to create an inclusive education system, particularly in regard to children with disabilities. Montenegro enquired whether the Government intended to adopt specific laws and regulations to protect those with special needs or to facilitate their integration into society. Montenegro made recommendations.

45. Morocco welcomed the ratification of the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities. Morocco noted with satisfaction the measures taken by Antigua and Barbuda to combat poverty, human trafficking and gender discrimination. It also noted with satisfaction the adoption of laws related to children and families. Morocco made recommendations.

46. Namibia commended Antigua and Barbuda on the ratification of the Convention on the Rights of Persons with Disabilities and noted the adoption in 2015 of the Children (Care and Adoption) Act and the Status of Children Act. It was pleased to note the various initiatives put in place to alleviate poverty, including the efforts made to enhance the social protection schemes in Antigua and Barbuda. While it was pleased to note that there had been a de facto moratorium on the death penalty for 24 years, it expressed concern about the frequent calls for its full reinstatement in Antigua and Barbuda. Namibia made recommendations.

47. The Netherlands noted that Antigua and Barbuda had stated in its report that lesbian, gay, bisexual, transgender and intersex persons were generally not discriminated against. It remained concerned, however, about the full rights of such persons, in particular of those from the lower economic bracket. It noted the explanations given by the Government. In view of recent calls from society in Antigua and Barbuda for a full reinstatement of the death penalty, the Netherlands asked the Government to address this negative trend. The Netherlands made recommendations.

48. Nicaragua congratulated Antigua and Barbuda on the progress achieved since its first review, highlighting the reforms and institutional and legal improvements that had been designed to better the human rights of its population, particularly its children, adolescents and persons with disabilities. Nicaragua welcomed the approval in 2015 of the Child Justice Bill and the Children (Care and Adoption) Bill. Nicaragua welcomed the strengthening of legislation for the prevention of human trafficking and of the illicit trafficking of migrants. Nicaragua congratulated Antigua and Barbuda on ratifying the Convention on the Rights of Persons with Disabilities. Nicaragua made recommendations.

49. Pakistan noted with appreciation the steps taken in the last four years to promote and protect human rights. Pakistan found it encouraging to note that Antigua and Barbuda had made concerted efforts to implement the majority of the recommendations received during the first cycle of the universal periodic review. It commended the ongoing national legislation, as well as the ratification of human rights instruments. Pakistan believed that the Trafficking in Persons (Prevention) (Amendment) Act, the Migrant Smuggling (Prevention) (Amendment) Act, the Child Justice Bill and the Domestic Violence Bill, of 2015, among others, would further contribute to the promotion and protection of human rights in the country. Pakistan made recommendations.

50. Panama praised the ratification of the Convention on the Rights of Persons with Disabilities, the adoption of health and education policies for this group of the population, and the strengthening of measures to prevent trafficking in persons and the smuggling of

migrants. Panama also acknowledged the adoption of the laws on children and domestic violence, as well as the implementation of various social programmes aimed at reducing poverty. However, it was concerned that gender-based violence remained a serious and widespread problem. Panama made recommendations.

51. Paraguay welcomed the progress made in 2015 in the field of child rights, especially in relation to childcare, domestic violence and juvenile justice. It also highlighted the decriminalization of slander, the gender mainstreaming carried out by the gender affairs department of the Ministry of Social Transformation and the ratification of the Convention on the Rights of Persons with Disabilities. Paraguay urged the Government to continue its efforts to ensure the exercise of the rights of migrants, to eliminate trafficking and to address overcrowding in prisons. Paraguay made recommendations.

52. The delegation responded to the statement by the Netherlands about calls by some politicians for the death penalty to be brought back into use. It considered that the society of Antigua and Barbuda was not yet ready to take a quantum leap and remove the death penalty from its legislation. The fact that it was on the statute books had given some sort of security to the population. But the delegation recalled, once again, that the death penalty had not been implemented in decades.

53. A similar situation applied to issues pertaining to lesbian, gay, bisexual, transgender and intersex persons. The delegation considered that it would take time to sensitize Antiguan society, which was very moral and religious. The delegation added that if the Government were to force these issues, the reaction from society would be negative and regressive.

54. On family matters, the delegation noted that the Government was in the process of setting up a family court, as part of an Organisation of Eastern Caribbean States project.

55. Portugal congratulated Antigua and Barbuda on approving the Child Justice Bill, which was aimed at improving the situation of juveniles in conflict with the law. Portugal expressed concern both at the fact that detained juveniles were still not held separately from adults and at the overcrowding in prisons. Portugal commended the country's efforts in tackling domestic and sexual violence and welcomed the adoption of the new Domestic Violence Bill and the national action plan for the period 2013-2018 to end gender-based violence. It was concerned that the Sexual Offences Act did not recognize rape within marriage in all circumstances. Portugal made recommendations.

56. Sierra Leone appreciated the efforts made since the last review. It noted with interest the de facto moratorium on the death penalty and expressed hope that the Government would again consider abolishing the death penalty. It also noted the adoption of the national action plan to end gender-based violence. In order to protect against trafficking in persons, Sierra Leone urged the Government to establish a legislative framework on refugee protection and asylum. It encouraged Antigua and Barbuda to ratify the Indigenous and Tribal Peoples Convention, 1989 (No. 169) and Domestic Workers Convention, 2011 (No. 189) of the International Labour Organization and to accede to the Convention on the Reduction of Statelessness. It stated that the Government should consider abolishing corporal punishment as a sentence and should take more effective steps to combat domestic violence as well as child sexual abuse. Engaging with OHCHR and other relevant United Nations organizations would be crucial in order for Antigua and Barbuda to be able to submit its reports to the relevant treaty bodies in a timely manner. Sierra Leone made recommendations.

57. Slovenia welcomed positive developments such as the decriminalization of libel, the abolition of legal distinctions between children based on their parents' marital status, the adoption of a national action plan to end gender-based violence and the organization of campaigns to raise awareness about violence against women. It commended Antigua and

Barbuda for having ratified the Convention on the Rights of Persons with Disabilities, in line with the recommendation to that effect that Slovenia had previously made. It noted there was no systemized approach to implementing the country's human rights obligations and commitments, no gender policy and no policy against child sexual abuse. It regretted that the Sexual Offences Act of 1995 criminalized sexual relations between consenting adults of the same sex, but did not acknowledge marital rape. Slovenia made recommendations.

58. South Africa recognized that, despite the constraints faced, Antigua and Barbuda had registered a number of notable achievements, including the implementation of policies and plans for social and economic development and the alleviation of poverty. It noted that Antigua and Barbuda had been ranked favourably in the Human Development Index and welcomed the country's efforts in launching the International Decade for People of African Descent. It encouraged Antigua and Barbuda to continue all efforts to promote, protect and fulfil all human rights, including the right to development. South Africa made recommendations.

59. Spain congratulated Antigua and Barbuda on its recent ratification of the Convention on the Rights of Persons with Disabilities and encouraged it to continue in that vein. Spain considered respect for the principle of non-discrimination on the grounds of sexual orientation as essential. Spain made recommendations.

60. Trinidad and Tobago noted the progress made by Antigua and Barbuda since the first universal periodic review cycle. Trinidad and Tobago congratulated the Government on ratifying the Convention on the Rights of Persons with Disabilities, and on its efforts to mainstream the differently abled in the education system and to provide the necessary support in the areas of mobility and transportation. Trinidad and Tobago applauded the improvement of health services for the population and recognized the need for Antigua and Barbuda to bolster its legislation on trafficking in persons and children. Trinidad and Tobago made a recommendation.

61. The United Kingdom of Great Britain and Northern Ireland thanked the delegation for responding to the questions submitted in advance. It welcomed the engagement of Antigua and Barbuda with the universal periodic review process. It acknowledged the Government's commitment to human rights and the progress made in spite of the challenges that small island developing States faced in implementing their international human rights obligations. It welcomed the steps that had been taken to address the issue of sexual violence and encouraged the Government to seek ways to increase the number of cases that were successfully prosecuted. The United Kingdom made recommendations.

62. The United States of America noted the efforts of Antigua and Barbuda to eliminate violence and discrimination against persons with HIV/AIDS, especially among the police forces. It recognized administrative efforts to provide prisoners with adequate complaint mechanisms but remained concerned about the harsh, overcrowded conditions in Her Majesty's Prison. It also noted the high incidence of violence against women, especially spousal abuse and sexual harassment, and the existence of laws that criminalized same-sex sexual activity between consenting adults. The United States made recommendations.

63. Uruguay welcomed the implementation of social policies to reduce poverty and meet the needs of the most vulnerable groups. Uruguay regretted that no special procedure mandate holder had visited Antigua and Barbuda in recent years and invited the country to request technical assistance to increase its cooperation with the international machinery. Uruguay was concerned that the legal framework authorized the use of corporal punishment and that someone who had committed a crime while under the age of 18 could be sentenced to life imprisonment. Uruguay invited the Government to review this legislation. It encouraged Antigua and Barbuda to adopt a national gender policy and to strengthen

capacities in regard to gender in ministries, departments and agencies. Uruguay made recommendations.

64. Brazil noted with appreciation the ratification of the Convention on the Rights of Persons with Disabilities and encouraged Antigua and Barbuda to take concrete measures towards ratification of its Optional Protocol. Brazil appreciated the fact that Antigua and Barbuda had de facto abolished the death penalty, which had not been applied since 1991, and encouraged the formal abolition of capital punishment. Brazil expressed concerns about the situation of victims of domestic violence in Antigua and Barbuda and encouraged initiatives to prevent and eliminate violence and discrimination against women and girls. Brazil made recommendations.

65. Antigua and Barbuda reiterated that it was aware of the importance that the Working Group attached to abolition of the death penalty, noted that the Eastern Caribbean Supreme Court had not used it for decades and stated that the Government could consider declaring a moratorium, or a similar gesture, in response to the concerns expressed during the review.

66. The delegation also restated its understanding regarding the concerns expressed during the interactive dialogue on the legal ban on consensual sex between adults of the same sex. It added that it understood that, from a human rights perspective, the fact that no one had been prosecuted under those provisions was unsatisfactory. Nevertheless, the delegation expressed its concern that a sudden change on these sensitive matters could generate a counterproductive reaction from public opinion.

67. The Government considered that gender-based violence was a serious issue and that it should be treated along with violent behaviour in general. The gender affairs department regularly went to schools to create awareness of the issue and to show how to resolve disagreements and problems without recourse to violence.

68. With regard to prison overcrowding, the delegation agreed that a new penal facility was urgently needed. In addition to the measures to address overcrowding already described, the delegation stated that the Government was trying to increase the number of prosecutors and judges in order to reduce the time that a detainee had to wait for trial.

69. Corporal punishment of children was another issue that appeared in laws and for which time would be required in order to change the views of Antiguans.

70. The delegation considered that the Government should not have major difficulties in acceding to the International Covenant on Civil and Political Rights and other core human rights treaties. It took the point that the fact that many matters were not a problem in the islands did not mean that Antigua and Barbuda could not become a party to the relevant conventions.

71. The Government was concerned at pregnancy among adolescents, even though the number of teenagers who became pregnant was relatively small. The Government had previously sponsored a programme for girls who had become pregnant to finish school, but it had not been possible to continue with it because of a lack of resources.

72. Responding to concerns raised regarding health care, the delegation stated that Antigua and Barbuda had a relatively new hospital and clinics throughout the country that provided services to those who needed them. Additionally, the Government had started a preventive programme to address the high incidence of diabetes in the islands — a problem that affected the Caribbean region in general.

73. The delegation acknowledged that there were large numbers of migrant workers residing in Antigua and Barbuda from Spanish-speaking countries, in particular from the Dominican Republic. The Government was making efforts to integrate that community and provided it with legal and health services in Spanish.

74. The delegation again addressed the issue of women in decision-making positions and stated that Antigua and Barbuda had women permanent secretaries and Crown counsel. The delegation considered that the participation of women in elected positions could take some time, though it stressed that there were two women in Parliament and that the President of the Senate was a woman. This was an ongoing process but Antigua and Barbuda was on the right track.

75. The delegation thanked the Working Group for all the recommendations that it had received. They were very helpful and would be carefully considered by the Government, which was committed to human rights.

II. Conclusions and/or recommendations**

76. **The recommendations formulated during the interactive dialogue/listed below have been examined by Antigua and Barbuda and enjoy the support of Antigua and Barbuda:**

76.1 **Seek and avail itself of technical assistance opportunities for training of personnel in international human rights treaty monitoring and reporting (Bahamas);**

76.2 **Seek technical assistance from the Office of the High Commissioner for Human Rights to support the national efforts aimed at implementing the human rights obligations of Antigua and Barbuda (Egypt);**

76.3 **Promote further engagement with international human rights mechanisms, including in seeking technical assistance from the Office of the United Nations Commissioner for Human Rights (Indonesia);**

76.4 **Seek the requisite technical assistance needed in order to meet its international human rights obligations (Sierra Leone);**

76.5 **Seek technical assistance, as appropriate, from the Office of the High Commissioner for Human Rights and other United Nations organizations, with a view to developing capacity for fulfilling various international human rights obligations to which it subscribes (Trinidad and Tobago);**

76.6 **Continue restoring and promoting the human rights of its people, taking into particular consideration the most vulnerable groups, as it has been doing it from its last review (Nicaragua);**

76.7 **Maintain its efforts for the incorporation of the provisions of the Convention on the Rights of the Child in its national legislation and public policies (Ecuador);**

76.8 **Continue to promote and protect rights of children (Pakistan);**

76.9 **Strengthen the national policies on gender to reduce discrimination against women and increase their participation in the political and economic spheres (Chile);**

76.10 **Strengthen the efforts to promote the full participation of women in all aspects, eliminate discrimination against women, and ensure access to justice for victims of domestic violence and sexual harassment (Malaysia);**

** The conclusions and recommendations have not been edited.

76.11 Continue its actions to promote gender equality and the full participation of women in the political, economic and social life of the country (Cuba);

76.12 Continue to promote women's empowerment (Pakistan);

76.13 Continue the efforts to ensure that national legislation prohibits discrimination on the grounds of disability, sexual orientation, gender identity and social status (Mexico);

76.14 Take measures to reduce overcrowding in prisons (China);

76.15 Introduce alternatives to imprisonment for minor offences, with a view to reducing overcrowding and improving the situation of prisoners in general (Portugal);

76.16 Effectively apply the law on intra-family violence to combat domestic violence and promote gender equality (China);

76.17 Strengthen the measures to combat domestic violence, in particular the effective implementation of the existing legal framework, data collection and training of State officers responsible for receiving complaints (Colombia);

76.18 Strengthen its policies to fight violence, especially gender-based violence and sexual violence (Spain);

76.19 Continue its efforts in fighting all forms of violence against women (Portugal);

76.20 Take all necessary measures to effectively strengthen the combat against domestic violence and sexual violence against women (France);

76.21 Take steps to ensure implementation of the Domestic Violence Act and the Sexual Offences Act (Maldives);

76.22 Prevent, punish and eradicate all forms of violence against women, including marital rape (Panama);

76.23 Review its domestic legislation in order to criminalize sexual abuse within marriage (Honduras);

76.24 Implement recent legislation on the rights of the child and strengthen efforts to prevent and combat all forms of discrimination and violence against children and other vulnerable groups, including through awareness-raising campaigns, dedicated training of law-enforcement personnel and adequate support to victims of violence (Italy);

76.25 Develop a strategy and public policies against child neglect and abuse (Panama);

76.26 Strengthen measures to assist victims of human trafficking, taking into account their fundamental rights and the needs of particularly vulnerable groups such as women domestic workers and sex workers (Colombia);

76.27 Ensure effective implementation of the legislation against trafficking of human beings and enhance support to the victims of trafficking, especially women and children (Italy);

76.28 Continue to implement laws, policies and programmes targeted at combating trafficking in persons, prosecute the identified perpetrators and provide rehabilitation for victims of trafficking in persons (Malaysia);

76.29 **Establish a formal procedure to identify victims of trafficking, search for alternatives to the detention of the victims, and transfer them to the necessary services, including, when pertinent, the asylum procedure (Mexico);**

76.30 **Continue strengthening its successful social policies in favour of the most vulnerable sectors of its people, with the assistance and cooperation of the international community required by the country (Bolivarian Republic of Venezuela);**

76.31 **Continue implementing measures for the reduction and alleviation of poverty (Cuba);**

76.32 **Make a concerted effort to increase the number of households with access to piped water, sanitation and electricity, with appropriate assistance from bilateral, regional and international partners (Jamaica);**

76.33 **Continue its efforts towards universal access to education, including the provision of free schooling at all levels (South Africa);**

76.34 **Work toward enacting legislation to incorporate the Convention on the Rights of Persons with Disabilities in its national law (Bahamas);**

76.35 **Take steps to develop the necessary laws, policies and programmes to progressively meet its obligations under the Convention on the Rights of Persons with Disabilities, including by ensuring access to all public facilities (Canada);**

76.36 **Formulate and implement a public policy for persons with disabilities with a view to protecting them from violence and discrimination and to facilitating their social integration (Colombia);**

76.37 **Encourage and strengthen work regarding special education of persons with disabilities (Maldives).**

77. **The recommendations below did not enjoy the support of Antigua and Barbuda and would thus be noted:**

77.1 **Consider acceding to all United Nations human rights instruments (Egypt);**

77.2 **Accede to all core United Nations human rights instruments as soon as possible, particularly those it agreed to enact during its 2011 universal periodic review appearance (Australia);**

77.3 **Continue the efforts to ratify international human rights treaties and instruments to which Antigua and Barbuda is not yet a party (Morocco);**

77.4 **Continue acceding to the main international human rights instruments to which it is not yet a party, particularly to the International Convention for the Protection of All Persons from Enforced Disappearance (Argentina);**

77.5 **Consider acceding to all core United Nations human rights instruments, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Indonesia);**

77.6 **Ratify the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict; and**

the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Guatemala);

77.7 **Become a State party to the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Labour Organization Indigenous and Tribal Peoples Convention, 1989 (No. 169); and the Convention against Discrimination in Education (Honduras);**

77.8 **Move forward with the ratification of the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, including the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Chile);**

77.9 **Consider ratification of the International Covenant on Economic, Social and Cultural Rights; and the International Covenant on Civil and Political Rights and its optional Protocols (Namibia);**

77.10 **Sign and ratify the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; and the International Convention for the Protection of All Persons from Enforced Disappearance (Spain);**

77.11 **Ratify the International Covenant on Civil and Political Rights; the International Covenant on Economic, Social and Cultural Rights; and the 1961 Convention on the Reduction of Statelessness (Panama);**

77.12 **Ratify the International Covenant on Civil and Political Rights as well as the International Covenant on Economic, Social and Cultural Rights (Costa Rica);**

77.13 **Ratify the International Covenant on Civil and Political Rights (France) (Ghana) (Italy) (Montenegro) (Sierra Leone);**

77.14 **Ratify the International Covenant on Economic, Social and Cultural Rights (France) (Ghana) (Italy) (Sierra Leone);**

77.15 **Ratify the Optional Protocol to the Convention against Torture (Costa Rica) (Denmark) (Uruguay);**

77.16 **Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (Sierra Leone) (Uruguay);**

77.17 **Consider acceding to the 1990 International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ecuador);**

77.18 **Ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (Ghana) (Sierra Leone);**

77.19 **Ratify the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (Uruguay);**

77.20 **Ratify the ILO fundamental conventions on labour rights and social security and the UNESCO ones relating to corporal punishment (Paraguay);**

77.21 **Ratify the American Convention on Human Rights and accept the jurisdiction of the Inter-American Court of Human Rights (Brazil);**

77.22 **Establish a National Human Rights Institution in accordance with the Paris Principles, as per the recommendations from its last universal periodic review appearance (Australia);**

77.23 **Establish a national human rights institution in accordance with the Paris Principles (Egypt) (Namibia);**

77.24 **Strengthen its national human rights institution in accordance with the Paris Principles (Honduras);**

77.25 **Continue the efforts to promote human rights, with the strengthening of the national legislative framework on human rights (Morocco);**

77.26 **Implement a national system that will enable the Government to have a better and more fluid relationship with the United Nations human rights bodies, including invitations to the relevant special procedures (Paraguay);**

77.27 **Encourage the legislative measures and policies necessary to ensure the protection and promotion of the rights of boys and girls, in following up the recommendations received during the previous review cycle (Mexico);**

77.28 **Submit all overdue reports to the relevant human rights treaty bodies and issue standing invitations to all special procedures (Ghana);**

77.29 **Submit its overdue reports to the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women and the Committee against Torture (Sierra Leone);**

77.30 **Extend a standing invitation to all the special procedures of the Human Rights Council (Uruguay);**

77.31 **Undertake a comprehensive review of its domestic legislation to bring it into line with the international conventions to which it is a party, in order to eradicate any form of discrimination (Honduras);**

77.32 **Adopt and implement a National Gender Policy, in consultation with all interested stakeholders, prior to its next Universal Periodic Review (Canada);**

77.33 **Implement legislative measures to increase the percentage of women in decision-making and popular election positions (Costa Rica);**

77.34 **Raise at the national level the institutions responsible for the design and implementation of gender policies (Paraguay);**

77.35 **Continue efforts at protecting all members of society from discrimination, harassment and violence, regardless of their sexual orientation (South Africa);**

77.36 **Adopt the additional necessary measures to ensure the full enjoyment of human rights by the vulnerable groups which are subjected to discrimination, such as lesbian, gay, bisexual, transgender and intersex persons, including the investigation and punishment of cases of discrimination, as well as the abrogation of norms that criminalize and stigmatize (Argentina);**

77.37 **Enact legislation prohibiting discrimination against lesbian, gay, bisexual, transgender and intersex persons, including removing laws criminalizing same-sex activity (Australia);**

77.38 **Carry out awareness and education campaigns in favour of non-discrimination based on sexual orientation (Spain);**

77.39 **Eliminate the provisions that criminalize same-sex sexual relations between adults (Chile);**

77.40 **Put an end to the legal discrimination against lesbian, gay, bisexual, transgender and intersex persons and to the criminalization of homosexuality (France);**

77.41 **Abolish all provisions that criminalize consensual same-sex relationships and adopt a national policy to promote tolerance and address discrimination and violence against lesbian, gay, bisexual, transgender and intersex persons (Germany);**

77.42 **Repeal articles 12 and 15 of the Sexual Offences Act of 1995 that criminalize sexual relations between consenting individuals of the same sex, which are contradictory to the commitment of non-discrimination (Netherlands);**

77.43 **Decriminalize relations between persons of the same sex (Honduras);**

77.44 **Decriminalize sexual relations between consenting adults of the same sex (Slovenia);**

77.45 **Decriminalize consenting homosexual relations between adults (Spain);**

77.46 **Reform the penal code to decriminalize private, same-sex sexual activity between consenting adults (United States of America);**

77.47 **Take concrete measures with a view to decriminalizing consensual same-sex relations and abolishing any discriminatory legislation against lesbian, gay, bisexual, transgender and intersex persons, even if such laws are not applied in practice (Brazil);**

77.48 **Establish a formal moratorium on the death penalty with a view to ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights (Australia);**

77.49 **Establish a formal moratorium on the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, with a view to abolishing capital punishment both in practice and in law (Portugal);**

77.50 **Establish an official moratorium on executions and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, so as to bring national legislation into conformity with the de facto moratorium (Netherlands);**

77.51 **Abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty (France);**

77.52 **Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Montenegro);**

77.53 **Consider establishing an official moratorium on executions with a view to abolishing the death penalty as called for by United Nations General Assembly resolution 69/186 (Germany);**

77.54 **Consider taking all necessary steps to establish a de jure moratorium on executions with a view to fully abolishing the death penalty (Italy);**

77.55 **Establish an official moratorium on the death penalty, with a view to its full abolition (Slovenia);**

77.56 **Abolish the death penalty (Honduras);**

77.57 **Abolish the death penalty and commute to prison terms the death sentences already pronounced (Panama);**

77.58 **Abolish the death penalty and in the interim rigorously apply international standards for fair trial in all death penalty cases and respect national legal procedures and the standards required by the Privy Council and the United Nations for the protection of the rights of prisoners sentenced to death (United Kingdom of Great Britain and Northern Ireland);**

77.59 **Consider taking steps towards the abolition of the death penalty (South Africa);**

77.60 **Carry out awareness-raising campaigns in relation to the lack of deterrent effects in the application of capital punishment and establish a de jure moratorium aiming at the total abolition of the death penalty (Spain);**

77.61 **Improve conditions of detention and reduce the duration of detention with faster legal proceedings and investing into infrastructure to address prison overcrowding (Germany);**

77.62 **Increase the resources aimed at improving the conditions of prisons, especially in relation to health conditions and the separation of prisoners according to the type of crime committed and level of risk (Spain);**

77.63 **Take effective measures to ensure that conditions of detention at Her Majesty's Prison are in conformity with United Nations Standard Minimum Rules for the Treatment of Prisoners, including by reducing overcrowding (Canada);**

77.64 **Establish a national coordination system to solve the problem of violence against women (Guatemala);**

77.65 **Consider amending the Sexual Offences Act to include marital rape in all circumstances (Portugal);**

77.66 **Criminalize marital rape (Slovenia);**

77.67 **Pass legislation explicitly defining and prohibiting sexual harassment in the public and private sectors, with protections against retaliation for those who report (United States of America);**

77.68 **Strengthen the national legal framework to protect children from all forms of violence (Algeria);**

77.69 **Prohibit and criminalize the corporal punishment of children (Honduras);**

77.70 **Prohibit corporal punishment of children in all settings, as previously recommended (Slovenia);**

77.71 **Conduct a thorough review of criminal justice procedures in order to identify measures to reduce the length of detention without trial (United Kingdom of Great Britain and Northern Ireland);**

77.72 **Raise the age of criminal responsibility as proposed in the model Child Justice Bill of the OECS from 2007 (Germany);**

77.73 **Build enough housing facilities so offenders under the age of 18 are housed separately from the general prison population (United States of America);**

77.74 **Allocate more resources to develop health-care services, health-care infrastructure and health education, in order to improve maternal health (Algeria);**

77.75 **Dedicate more resources to advance health-care services (Maldives);**

77.76 **Allow abortion, especially in cases where the pregnancy involves a risk to the life or health of the pregnant woman, or is the result of rape or incest (Slovenia);**

77.77 **Ensure comprehensive sexuality education with a view to preventing teen pregnancies and the spread of sexually transmitted infections, in particular HIV (Slovenia);**

77.78 **Establish measures and policies to encourage greater participation of girls in the higher education systems (Sierra Leone).**

78. **All conclusions and/or recommendations contained in the present report reflect the position of the submitting State(s) and/or the State under review. They should not be construed as endorsed by the Working Group as a whole.**

Annex

Composition of the delegation

The delegation of Antigua and Barbuda was headed by Parliament Secretary within the Ministry of Legal Affairs and Public Safety, Senator Maureen Payne.